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6 Old Dominion Freight Line and  
Jeanette Montgomery  
7

8 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
9

10 VICTORIA WORLEY,

11 Plaintiff,

12 v.

13 JEANETTE MONTGOMERY, individually; OLD  
14 DOMINION FREIGHT LINE, INC., DOES I  
through X, inclusive; and ROE CORPORATIONS  
15 I through XX inclusive,

16 Defendants.  
17

CASE NO:

**DEFENDANT OLD DOMINION  
FREIGHT LINE, INC.'S NOTICE OF  
REMOVAL**

18 TO: DEBRA KEMPI, Clerk, United States District Court for the District of Nevada

19 PLEASE TAKE NOTICE that Defendant OLD DOMINION FREIGHT LINE, INC.  
20 hereby removes to this Court the state court action entitled "VICTORIA WORLEY, Plaintiff v.  
21 JEANETTE MONTGOMERY, individually; OLD DOMINION FREIGHT LINE, INC.; DOES I  
22 through X, inclusive; and ROE CORPORATIONS I through XX, inclusive," Case No. A-21-  
23 834719-C filed in the Eighth Judicial District Court for Clark County, Nevada. A copy of the  
24 Complaint is attached hereto as Exhibit A. The grounds for removal are:

ALVERSON TAYLOR & SANDERS  
LAWYERS  
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LAS VEGAS, NV 89149  
(702) 384-7000

1           1.       This Court has original subject matter jurisdiction over this action pursuant to 28  
2 U.S.C. § 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between Plaintiff, a citizen  
3 of Idaho, Defendants who are citizens of diverse residency, none of which reside in Idaho, and  
4 the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, as set forth below.

5           2.       Based upon information and belief, Plaintiff VICTORIA WORLEY is a citizen of  
6 the State of Idaho. *See* Complaint ¶ 1.

7           3.       Defendant JEANETTE MONTGOMERY is a resident of the State of Nevada. *See*  
8 Complaint ¶ 2.

9           4.       Defendant OLD DOMINION FREIGHT LINE, INC. is a corporation  
10 incorporated in Virginia, with its principal place of business in Thomasville, North Carolina.

11           5.       The Defendants sued as DOES I through X, inclusive and ROE  
12 CORPORATIONS I through XX, inclusive, are fictitious parties and not relevant to the  
13 determination of subject matter jurisdiction. *See* 28 U.S.C. § 1441(a) (stating “For purposes of  
14 removal under this chapter, the citizenship of defendants sued under fictitious names shall be  
15 disregarded”).

16           9.       Based upon information and belief, the amount in controversy, exclusive of  
17 interest and costs, exceeds \$75,000.00. Upon information and belief, Plaintiff VICTORIA  
18 WORLEY was transported to St. Alphonsus Regional Medical Center in Boise, Idaho, following  
19 the motor vehicle collision that is the subject of Plaintiff’s Complaint. Upon information and  
20 belief, Plaintiff continued to seek medical treatment for injuries allegedly sustained in the  
21 collision after being discharged from St. Alphonsus Regional Medical Center. It is therefore  
22 expected that Plaintiff’s medical damages and the amount in controversy exceeds the  
23 jurisdictional requirement. Plaintiff alleges “personal injuries.” *See* Complaint ¶ 26, 33 and 45.

24 ...

Dated this 28th day of May 2021.

James N. Wilson

Jeanette Montgomery

**CERTIFICATE OF ELECTRONIC SERVICE**

I certify that on the 28th day of May, 2021, service of the above and foregoing  
**DEFENDANT OLD DOMINION FREIGHT LINE, INC.'S NOTICE OF REMOVAL** was  
made by electronically filing a true and correct copy of the same to each party addressed as  
follows:

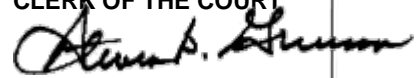
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\_\_\_\_\_  
Employee of ALVERSON TAYLOR & SANDERS

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## EXHIBIT A



COMJD

LOWE LAW GROUP

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Attorney for Plaintiff

Eric\_h@lowelawgroup.com

CASE NO: A-21-834719-C  
Department 23DISTRICT COURT  
CLARK COUNTY, NEVADA

-\*-

VICTORIA WORLEY,

)

Case No.:

Plaintiff,

)

Dept. No.

vs.

)

**ARBITRATION EXEMPTION**JEANETTE MONTGOMERY, individually; )  
OLD DOMINION FREIGHT LINE, INC., )**CLAIMED: AMOUNT IN EXCESS  
OF \$50,000.00**DOES I through X, inclusive; and ROE )  
CORPORATIONS I through XX, inclusive, )

Defendants.

)

**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW, Plaintiff, Victoria Worley, by and through her attorney, Eric Hinckley, of the Lowe Law Group, and hereby complains against Defendants, and for her causes of action, alleges as follows:

**THE PARTIES**

1. At all times relevant hereto, Plaintiff VICTORIA WORLEY was a resident of Bonneville County, State of Idaho.

2. At all times relevant hereto, Defendant JEANETTE MONTGOMERY was a resident of Clark County, State of Nevada.

1           3.       At the time of the collision, Defendant Montgomery was operating the Old  
2       Dominion Freight Lines, Inc. semi-truck under the authority of a Commercial Driver's License  
3       issued by the State of Nevada based upon her representations to the Nevada Department of Motor  
4       Vehicles, under oath, that she was a resident of Nevada as that term is defined in NRS 483.141.

5           4.       Upon information and belief, Defendant OLD DOMINION FREIGHT LINES,  
6       INC. (hereinafter "Old Dominion") is a Virginia corporation doing business in Clark County, State  
7       of Nevada.

8           5.       At all material times, Defendant Old Dominion was the owner and operator of the  
9       subject semi-truck and trailer involved in the collision.  
10

11          6.       At all material times, Defendant Old Dominion employed Defendant Montgomery  
12       and verified and authorized her employment as a commercial truck driver based upon the  
13       Commercial Driver's License she was issued by the State of Nevada.

14          7.       At all material times, Defendant Montgomery was operating the semi-truck and  
15       trailer involved in the collision for the benefit of and in the course of the scope of her employment  
16       with Defendant Old Dominion at its direction and with its consent and authority.  
17

18          8.       At all material times, Defendant Old Dominion has had substantial commercial  
19       contacts with the State of Nevada such that Nevada courts have general personal jurisdiction over  
20       it.

21          9.       By hiring a driver who was only authorized to operate a commercial vehicle under  
22       the authority of a Commercial Driver's License issued by the State of Nevada, Defendant Old  
23       Dominion submitted itself to specific personal jurisdiction in Nevada courts for all claims arising  
24       out of the negligent, reckless and/or unlawful acts and omissions of said driver that were committed  
25       in the course and scope of her employment with it as a commercial driver.  
26

27          10.       That the true names and capacities, whether individual, corporate, associate or  
28

1 otherwise, of the Defendants designated as Does I through X are unknown to Plaintiff at this time  
 2 who therefore sue said Defendants by fictitious names. Plaintiff alleges that each named Defendant  
 3 herein designated as Doe is negligently, willfully, contractually or otherwise legally responsible  
 4 for the events and happenings herein referred to and proximately caused injury and damages to  
 5 Plaintiff as herein alleged. Plaintiff will seek leave of Court to amend this Complaint to insert the  
 6 true names and capacities of such Defendants when same have been ascertained and will further  
 7 seek leave to join said Defendants in these proceedings.

8  
 9 11. That the true names and capacities, whether individual, corporate, associate or  
 10 otherwise, of the Defendants designated as Roe Corporations I through XX are unknown to  
 11 Plaintiff at this time who therefore sue said Defendants by fictitious names. Plaintiff alleges that  
 12 each named Defendant herein designated as Roe Corporation is negligently, willfully,  
 13 contractually or otherwise legally responsible for the events and happenings herein referred to and  
 14 proximately caused injury and damages to Plaintiff as herein alleged. Plaintiff will seek leave of  
 15 Court to amend this Complaint to insert the true names and capacities of such Defendants when  
 16 same have been ascertained and will further seek leave to join said Defendants in these  
 17 proceedings.

#### 18 VENUE AND JURISDICTION

19  
 20 12. This Court has subject matter jurisdiction.

21 13. This Court has personal jurisdiction over Defendant Montgomery.

22 14. This Court has personal jurisdiction over Defendant Old Dominion.

23 15. Venue is proper in Eighth Judicial District Court, Clark County, Nevada.

#### 24 GENERAL ALLEGATIONS

25  
 26 16. On or around April 8, 2021, OLD DOMINION directed its employee, Jeanette  
 27 Montgomery, to transport its semi-truck including enclosed/attached cargo along Interstate 84  
 28



1 between Mountain Home, Idaho and Boise, Idaho.

2 17. At or around the same time, Victoria Worley (hereinafter "Ms. Worley") was a  
3 passenger in a vehicle (hereinafter "Gray vehicle") being driven westbound on Interstate 84.

4 18. As Defendant Montgomery approached milepost 60 on Interstate 84, Defendant  
5 Montgomery lost control of the Old Dominion semi-truck and trailer causing it to leave the  
6 roadway and tipping onto its side before coming back into the travel lanes on Interstate 84 causing  
7 a high-speed collision between the Old Dominion semi-truck and the Gray vehicle.

8 19. As an operator of a commercial fleet of trucks and as Defendant Montgomery's  
9 employer, Defendant Old Dominion reviewed documents that authorized Defendant Montgomery  
10 to operate its semi-truck and trailer and knew that Defendant Montgomery was a Nevada resident  
11 and knew that she was only authorized to operate a commercial vehicle under the authority of a  
12 Commercial Driver's License that was issued by the State of Nevada.  
13

14 20. Plaintiff did not negligently cause or contribute to the collision.

15 21. Plaintiff suffered both economic and non-economic damages as a result of the high-  
16 speed collision in amounts to be proven at trial.  
17

18 **FIRST CAUSE OF ACTION**  
19 (NEGLIGENCE AGAINST JEANETTE MONTGOMERY)

20 22. Plaintiff hereby incorporates the foregoing Paragraphs as though fully set forth  
21 herein.

22 23. At the time of the collision, Defendant Montgomery was a commercial truck driver  
23 licensed to operate commercial vehicles solely under the authority of the laws of the State of  
24 Nevada pursuant to Driver's License number 1505817827.

25 24. Defendant Montgomery owed a duty of care to other drivers on the highway to  
26 operate the Old Dominion semi-truck in a safe manner and in accordance with all applicable laws.  
27

28 25. Defendant Montgomery breached her duty of care by her negligent and careless

1 failure to operate the Old Dominion semi-truck in a safe and lawful manner as described above.

2 26. As a direct and proximate result of the conduct of Defendant Montgomery  
3 described hereinabove, Ms. Worley suffered personal injuries and Plaintiff has sustained damages  
4 in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

5 27. As a result of the conduct of Defendant Montgomery, Plaintiff has been required to  
6 retain the services of the attorney, and, as direct, natural and foreseeable consequences thereof, has  
7 been damaged thereby and is entitled to reasonable attorney's fees and costs.

8  
9 **SECOND CAUSE OF ACTION**  
10 (NEGLIGENCE PER SE AGAINST JEANETTE MONTGOMERY)

11 28. Plaintiff hereby incorporates the foregoing Paragraphs as though fully set forth  
12 herein.

13 29. Plaintiff is informed and believes, and based thereon, alleges that Defendant  
14 Montgomery was subject to laws and safety regulations pertaining to vehicle safety and  
15 maintenance as set forth above, and further, that such laws and regulations were intended to  
16 preserve life and prevent bodily injury to persons traveling on the public U.S. roadways by  
17 ensuring the proper and timely upkeep and maintenance of vehicles traveling on those public U.S.  
18 roadways.

19 30. Plaintiff is informed and believes and, based thereon, alleges that she is a member  
20 of a class (persons traveling on public U.S. roadways) for whose benefit those laws and safety  
21 regulations were passed.

22 31. Plaintiff is informed and believes and, based thereon, alleges that Defendant  
23 Montgomery violated one or more laws and regulations and breached her duties of care that were  
24 owed to the Plaintiff, as set forth above.

25 32. Plaintiff is informed and believes and, based thereon, alleges that the Plaintiff  
26 suffered the same type of harm that the laws and regulations were intended to prevent resulting in,  
27  
28

1 without limitation, physical, emotional and financial harm, as set forth above, from the conduct of  
2 Defendant Montgomery, which was a substantial factor in causing that harm.

3 33. As a direct and proximate result of the conduct of Defendant Montgomery  
4 described hereinabove, Ms. Worley suffered personal injuries and Plaintiff has sustained damages  
5 in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

6 **THIRD CAUSE OF ACTION**  
7 (VICARIOUS LIABILITY/RESPONDEAT SUPERIOR AGAINST OLD DOMINION)

8 34. Plaintiff hereby incorporates the foregoing Paragraphs as though fully set forth  
9 herein.

10 35. At all relevant times, Defendant Montgomery was acting within the course and  
11 scope of her employment with OLD DOMINION.

12 36. Defendant, OLD DOMINION, as the employer of Defendant Montgomery is liable  
13 under the doctrine of respondeat superior for all conduct and liability of Defendant Montgomery.

14 **FOURTH CAUSE OF ACTION**  
15 (NEGLIGENT HIRING/RETENTION/ENTRUSTMENT/TRAINING/SUPERVISION  
16 AGAINST OLD DOMINION)

17 37. Plaintiff hereby incorporates the foregoing Paragraphs as though fully set forth  
18 herein.

19 38. The semi-truck and trailer involved in the collision were owned and operated by  
20 Old Dominion under US DOT number 090849.

21 39. Defendant Old Dominion is responsible for the acts and omissions of its driver,  
22 Defendant Montgomery who was operating its semi-truck and trailer within the course and scope  
23 of her employment with Old Dominion at the time of the collision and at the direction and authority  
24 of Old Dominion.

25 40. At all relevant times, Defendant Old Dominion was subject to and required to obey  
26 the minimum safety standards established by the Federal Motor Carrier Safety Regulations  
27  
28

1 (FMCSR) (49 CFR Sections 301-309).

2 41. Defendant Old Dominion was required to review and verify that Defendant  
3 Montgomery had a valid Commercial Driver's License. Upon information and belief, Defendant  
4 Old Dominion did verify and knew that Defendant Montgomery's Commercial Driver's License  
5 was issued by the State of Nevada and allowed her to operate its semi-truck and trailer pursuant to  
6 the State of Nevada Commercial Driver's License issued.

7 42. Defendant Old Dominion was also required to teach and to train Defendant  
8 Montgomery so that she was able to obey the rules and regulations contained in the FMCSR.  
9

10 43. Defendant Old Dominion's tortious acts and failures include, but are not limited to,  
11 the following:

- 12 a. Hiring Defendant Montgomery as a commercial driver;  
13 b. Failing to properly supervise Defendant Montgomery;  
14 c. Failing to properly train Defendant Montgomery;  
15 d. Entrusting Defendant Montgomery with commercial vehicles;  
16 e. Retaining Defendant Montgomery as a commercial driver; and  
17 f. Failing to conduct proper, thorough and required checks on the background and  
18 qualifications of Defendant Montgomery.  
19

20 44. Defendant Old Dominion had a duty to promulgate and enforce rules and  
21 regulations to ensure that its drivers were reasonable and safe, and it negligently failed to do so.

22 45. As a direct and proximate result of the conduct of Defendant OLD DOMINION  
23 described hereinabove, Ms. Worley suffered personal injuries and Plaintiff has sustained damages  
24 in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).  
25

26 WHEREFORE, Plaintiff prays as follows:

- 27 1. For compensatory damages to Plaintiff in an amount in excess of FIFTEEN  
28

1 THOUSAND DOLLARS (\$15,000.00);

2 2. For special damages to Plaintiff in an amount in excess of FIFTEEN THOUSAND  
3 DOLLARS (\$15,000.00);


4 3. For judgment for interest;

5 4. For attorney's fees and costs of suit incurred herein; and

6 5. For such other and further relief as may be just and reasonable in the premises.

7 DATED this 17<sup>th</sup> day of May, 2021.

8  
9 **LOWE LAW GROUP**

10   
11 Eric Hinckley  
12 Attorney for Plaintiff

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff, by and through her attorney of record, Eric Hinckley of the Lowe Law Group,  
15 hereby demands a jury trial of all of the issues in the above matter.

16 DATED this 17<sup>th</sup> day of May, 2021.

17 **LOWE LAW GROUP**

18   
19 Eric Hinckley  
20 Attorney for Plaintiff